DETAILED ACTION

This Office Action response responds to the Office Communication mailed on January 19, 2010. Applicant respectfully requests reconsideration of this application in view of the following remarks.

Claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 have been amended.

The support for the amendment to claims can at least be found on page 13, lines 1-11 of the Applicant's specification, as filed.

No new claim has been added. Further examination and reconsideration of the presently claimed application is respectfully requested.

Claim Objections

The Examiner objected claims 46 and 48 for not including the limitation as stated by the applicant in the previous response. Claim 46 has been amended to include new limitation in this response. Further, claim 48 depends from and includes all the limitations of claim 46.

Claim Rejections – 35 USC § 101

The Examiner stated that claims 34-38 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner stated that the claims are not sufficiently tied to an apparatus, such as a computer.

Applicant has amended claim 34 to recite '..*by a main computer system communicably coupled with an employee scheduling module*'. Claims 35-38 depend from and include all limitations of claim 34. Applicant therefore respectfully requests reconsideration of the rejection of claims 34-38 under 35 USC § 101.

Claim Rejections – 35 USC § 102

The Examiner stated that claims 46 and 48 are rejected under 35 USC § 102(b) as being anticipated by O'Brien, et al. (US 6,587,831 hereafter O'Brien). Applicant respectfully disagrees.

The present invention discloses a violation sub-module that comprises a software configuration accessible from an employee scheduling apparatus. The violations sub-module provides the interface for a manager to define various types of violations in the system.

Further, the violations sub-module also allows a manager or an authorized user to enter violations, confirm violations or delete violations such as if the violation was recorded in error or assigned to the wrong employee. (See at least page 13, lines 1-11). However, O'Brien does not teach or suggest a violation-sub module. Thus, O'Brien fails to describe *"violation data in an employee violations sub-database into the scheduling database, wherein the violation datais further modifiable by an authorized user"* as recited by claim 46 as amended.

Claim Rejections – 35 USC § 103

The Examiner stated that claims 1-7, 9-10, 12-18, 20-32, 34-45 and 49-62 are rejected under 35 USC § 103(a) as being anticipated by O'Brien, in view of Swart, et al. (US 6,330,594 hereafter Swart).

Independent claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 are amended. Claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 as amended substantially include the limitation *"wherein the violation data is modifiable by an authorized user"* which is not taught or suggested in the combination of O'Brien and Swart. (See at least page 13, lines 8-11).

The present invention discloses an employee scheduling system for use in a work environment. The scheduling is achieved on an employee-to-employee basis. (See at least page 22, lines 27-28). It is checked whether an employee requires a new schedule. Accordingly, start and end date is assigned to the new schedule and creates the employees shift. Thereafter, it is checked whether the employee needs an additional shift. (See at least page 23, lines 10-12). The entire schedule hence created for the employee is stored in a database. The created schedule is made available at kiosks (See at least page 6, lines 27-29). Thereafter, the schedule is forwarded to the management and an attendance module is used to check the status of the employees.

A Schedule Generation Sub-Module of the present invention provides the interface to generate a schedule based on estimated or known future workload. The schedule generation sub-module communicates with the database interface software to obtain information regarding workload statistics and employee schedules. Further, a violations sub-module provides the interface to define various types of violations in the system. Moreover, *the violations sub-module allows inputting of violations, confirming violations or deleting violations.* (See at least page 13, lines 8-11).

The Examiner contends that O'Brien teaches maintaining and distributing a work schedule. Applicant respectfully disagrees. O'Brien discloses assigning shifts to the employees. (See at least column 1, lines 44-56). In O'Brien, a schedule requirement is provided from a client side machine through the distributed network. Thereafter, a schedule is constructed in accordance with the schedule requirements. However, in the present invention scheduling is achieved on a *worker-by-worker basis*. (See at least page 22, lines 26-27). O'Brien merely discloses a bulletin system. Bulletins are messages from other employees, or the manager or generated by the host. After generating a schedule, a processing unit distributes bulletins to the employees affected by the schedule through an outbound queue. (See at least column 6, lines 55-65). Further, O'Brien fails to describe *"violation data in an employee violations sub-database into the scheduling database, wherein the violation data is further modifiable by an authorized user"* as recited by claim 46 as amended.

The Examiner further contends that Swart discloses accessing an employee violations module. Applicant respectfully disagrees. Swart discloses a system for enabling remote access and control of a data acquisition system via a multi tiered computer network. (See at least column 3, lines 5-9). Swart, merely, discloses monitoring employee activities at a work site by tracking real time events, such as entry and exits through access doors, turnstiles, vehicle barriers, etc. (See at least column 5, lines 1-8). Unlike the present invention, Swart does not disclose *a violations sub-module that allows inputtingof violations, confirming violations or deleting violations.* (See at least page 13, lines 8-11). Thus, Swart does not describe or suggest *"..wherein the violation data is further modifiable by an authorized user"* as recited by independent claims 46 as amended.

Dependent claims 2-8, 10-16, 18-25, 27-33, 35-38, 40-45, 46-56, 58-60 depend from, and include all the limitations of independent claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 respectively. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-8, 10-16, 18-25, 27-33, 35-38, 40-45, 46-56, 58-60 and requests withdrawal of the rejection.

For the reasons set forth above, Applicant believes that claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 are in condition for allowance and respectfully requests they and all claims depending therefrom be passed to allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

Respectfully submitted,

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